

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE MARTHA,

Plaintiff,

v.

GUY WILDENSTAIN,

Defendant.

Case No. [22-cv-03847-WHO](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE**

Re: Dkt. No. 23

On January 11, 2023, Magistrate Judge Kandis Westmore issued a Report and Recommendation, recommending that this *pro se* case be dismissed under 28 U.S.C. § 1915 as frivolous, given this Court's lack of subject matter jurisdiction over Martha's claim that defendant failed to authenticate a painting. Dkt. No. 23.<sup>1</sup>

Objections to the Report and Recommendation were due by January 25, 2023, and Martha filed three documents in response. Dkt. Nos. 25-27. In those responses, Martha complains about being denied social security benefits and suffering from discrimination by the Social Security Agency ("SSA") and asks again to allow his claim against defendant for failing to authenticate a painting to proceed. Dkt. Nos. 25, 27.

For the reasons explained in Judge Westmore's Report and Recommendation, plaintiff has not alleged a federal claim that this Court has the ability (jurisdiction) to address. I ADOPT the Report and Recommendation in full. This action is DISMISSED without prejudice.

If Martha wants to allege a claim against the SSA related to discrimination or a denial of benefits, Martha must file a new case, with a new complaint identifying the SSA decisions that he

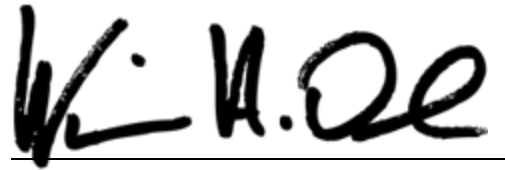
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<sup>1</sup> Prior to issuing the Report and Recommendation, Judge Westmore provided Martha multiple opportunities to submit an amended complaint. *Id.* Martha submitted various documents in response, but none alleged a federal cause of action or otherwise identified a potential basis for federal subject matter jurisdiction. *Id.*

1 contends were wrong or discriminatory.

2 **IT IS SO ORDERED.**

3 Dated: March 16, 2023

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

William H. Orrick  
United States District Judge

United States District Court  
Northern District of California